

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

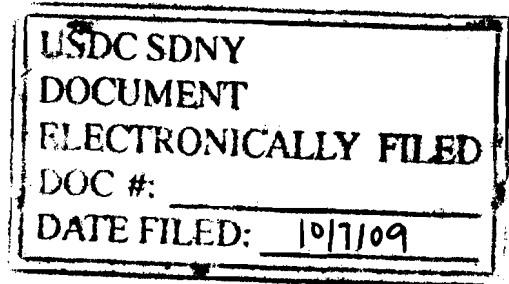
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MOONEY, MOONEY & MOONEY,

Plaintiff,

- against -

NOGA D'IMPORTATION ET
D'EXPORTATION S.A.,

Defendant.
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06 Civ. 15500 (RMB)

ORDER

Based upon Plaintiff's letter, dated August 29, 2008, indicating that "[i]f no appeal is taken, we will discontinue our action with the defendant," and upon Plaintiff's letter, dated October 6, 2009, indicating that a "decision has been handed down, denying the appeal," it is hereby

ORDERED, that conference scheduled for October 8, 2009 is vacated; and it is further

ORDERED, that the above-entitled action be, and the same hereby is, discontinued; provided, however, that the Plaintiffs or Defendants may apply, on or before November 9, 2009 (noon), by letter showing good cause why this action should be restored to the calendar of the undersigned.

SO ORDERED.

Dated: New York, New York
October 6, 2009

A handwritten signature in black ink, appearing to read "RMB".

Richard M. Berman, U.S.D.J.